

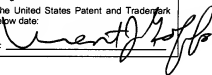
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Date: December 9, 2008

Name: Vincent J. Gnotto, Reg. No. 44,714

Signature:



PATENT
CASE NO. 8285/283

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Theodore James Myers et al.)	
)	Examiner: Alexander G. Kalinowski
Serial No. 09/391,427)	
)	Group Art Unit No. 3626
Filing Date: September 8, 1999)	
)	
For Combination Reservation and)	
Navigation System and Method)	
Therefor)	

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

This Appeal Brief is filed based on the final rejection of all pending claims mailed on July 9, 2008, and further to the Notice of Panel Decision from Pre-Appeal Brief Review mailed November 6, 2008.

I. Real Party in Interest

The real party in interest for the above-referenced application is SBC Properties, L.P., 645 East Plumb Lane, Reno, Nevada, 89502. See Reel/Frame 014015/0689.

II. Related Appeals and Interferences

The undersigned is unaware of any other appeals or interferences that will directly affect, be directly affected by or have any bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 12-15, 17-22, 24, 25, 38-43, 59-63 and 66-77 are pending and stand finally rejected.

All of finally rejected claims 12-15, 17-22, 24, 25, 38-43, 59-63 and 66-77 are appealed.

IV. Status of Amendments

No amendments are pending.

V. Summary of Claimed Subject Matter

Independent claim 12 recites a method, comprising accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses; (Fig. 3, p. 16, I. 31 through p. 17, I. 4) making a request for a reservation of the good or the service responsive to the step of accessing the reservation information; (Fig. 3, p. 17, II. 5-9) receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to the step of making the request; (Fig. 3, p. 17, II. 18-20) and receiving electronic navigation information from a reservation communication device over a communication link responsive to the step of receiving the confirmation information, (Fig. 3, p. 17, II. 26-28) wherein the electronic navigation information comprises directions to assist the customer in traveling from a

customer geographic location to a business geographic location of the good or the service reserved by the customer, (Figs. 1 and 3, p.8, ll. 15-17) wherein the customer geographic location is automatically determined for the customer by a location-determining device in response to receipt of the confirmation information. (Figs. 1 and 3, p.8, ll. 18-20)

Independent claim 20 recites a method, comprising accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses; (Fig. 3, p. 16, l. 31 through p. 17, l. 4) making a request for a reservation of the good or the service responsive to the step of accessing the reservation information; (Fig. 3, p. 17, ll. 5-9) receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to the step of making the request; (Fig. 3, p. 17, ll. 18-20) transmitting a request for electronic navigation information responsive to the step of receiving the confirmation information, (Fig. 3, p. 17, ll. 21-23) wherein the electronic navigation information comprises directions to assist the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer, (Figs. 1 and 3, p.8, ll. 15-17) wherein the customer geographic location is automatically determined for the customer by a location-determining device in response to receipt of the confirmation information; (Figs. 1 and 3, p.8, ll. 18-20) receiving the electronic navigation information from a reservation communication device over a communication link responsive to the step of transmitting the request for the electronic navigation information; (Fig. 3, p. 17, ll. 26-28) communicating the confirmation information to the one of the plurality of businesses located at the business geographic location of the good or the service reserved by the customer responsive to the customer arriving at the business geographic location. (Figs. 1 and 3, p.18, ll. 3-8)

Independent claims 38 recites a customer communication device, comprising a first communication interface adapted to communicate customer information, including reservation information and electronic navigation information, between the customer communication device and a reservation communication device, (Figs. 1 and 3, p. 16, l.

31 through p. 17, l. 4) wherein the reservation information represents a good or a service that may be reserved by customers from one of a plurality of businesses, and wherein the electronic navigation information comprises directions to assist the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer, (Figs. 1 and 3, p.8, ll. 15-17) wherein the customer geographic location is automatically determined for the customer by a location-determining device in response to receipt of the confirmation information; (Figs. 1 and 3, p.8, ll. 18-20) a memory unit coupled to the first communication interface and adapted to store the customer information received via the first communication interface; (Figs. 1 and 2, p. 15, ll. 5-13) and a controller coupled to the first communication interface and the memory unit and adapted to perform the steps of accessing the reservation information via the first communication interface; (Figs. 1 and 3, p. 16, l. 31 through p. 17, l. 4) making a request for a reservation of the good or the service via the first communication interface responsive to the step of accessing the reservation information; (Figs. 1 and 3, p. 17, ll. 5-9) receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, via the first communication interface responsive to the step of negotiating; (Figs. 1 and 3, p. 17, ll. 18-20) and receiving electronic navigation information from the reservation communication device over a communication channel via the first communication interface responsive to the step of receiving the confirmation information. (Figs. 1 and 3, p. 17, ll. 26-28)

VI. Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 12, 13, 18-21, 25, 38-43, 59-63 and 69-76 are unpatentable under 35 U.S.C. 103 over Zeitman (U.S. Patent No. 5,940,481) in view of the Background of the application and further in view of DeLorme et al. (U.S. Patent No. 5,948,040).

2. Whether claims 14, 17 and 24 are unpatentable under 35 U.S.C. 103(a) as over Zeitman, the Background and DeLorme et al. as applied to claim 12, and further in view of Yoshida (U.S. Patent No. 5,877,704).

3. Whether claims 15 and 22 are unpatentable under 35 U.S.C 103(a) over Zeitman and the Background, DeLorme et al. and further in view of Sehr (U.S. Patent No. 6,085,976).

4. Whether claims 66-68 are unpatentable under 35 U.S. C. 103(a) over Zeitman, the Background and Applicant's purported admission of prior art.

VII. Argument

Appellant submits that the pending rejections fail to cite references teaching or suggesting all of the claimed features.

A. Claim 12

Pending independent claim 12 recites a method "wherein the customer geographic location is automatically determined for the customer by a location-determining device in response to receipt of the confirmation information." None of the references, alone or in combination, disclose or suggest automatically determining a customer geographic location for the customer by a location-determining device in response to receipt of confirmation information, as recited by the claims. The Office Action states that the travel reservation and information system of DeLorme et al. is the equivalent. Since at least the feature of providing information "in response to receipt of the confirmation information" is an element completely missing from the references, however, it is inappropriate to discuss equivalents. In other words, the recited feature can't be the equivalent of a missing element. For example, a recited fastener may be the equivalent of a disclosed screw, but if the screw is not shown in the cited references there is nothing for the fastener to be equivalent to. In other words, the Office Action should cite a reference that shows the missing features in the context of the claims, otherwise allow the claims. The Office Action cannot merely state that the feature is equivalent to something clearly not shown, such as with regard to an explicit action in response to receiving confirmation information. For at least these reasons, Appellant respectfully requests review of the final rejection directed against the current application and withdrawal of the rejections against the claims.

Claims 13-15, 17, 59-63 and 66-77 depend from claim 12, and are submitted to be allowable for at least the same reasons.

B. Claim 20

Pending independent claim 20 recites transmitting a request for electronic navigation information responsive to the step of receiving the confirmation information. As described above, none of the references, alone or in combination, discloses or suggests such features. For at least the reasons discussed above with regard to claim 12, Appellant respectfully requests that this rejection also be withdrawn. Claims 21-22 and 24-25 depend from claim 20, and are submitted to be allowable for at least the same reasons.

C. Claim 38

Pending independent claim 38 recites receiving electronic navigation information from the reservation communication device over a communication channel via the first communication interface responsive to the step of receiving the confirmation information. As described above, none of the references, alone or in combination, discloses or suggests such features. For at least the reasons discussed above with regard to claim 12, Appellant respectfully requests that this rejection also be withdrawn. Claims 39-43 depend from claim 38, and are submitted to be allowable for at least the same reasons.

D. Claims 14, 17 and 24

Further to the above, Yoshida, alone or in combination with the other references, fails to disclose or suggest automatically determining a customer geographic location for the customer by a location-determining device in response to receipt of confirmation information. For at least the reasons discussed above, Applicants respectfully request that the rejection of claims 14, 17 and 24 be withdrawn.

E. Claims 15 and 22

Further to the above, Sehr alone or in combination with the other references, fails to disclose or suggest automatically determining a customer geographic location for the customer by a location-determining device in response to receipt of confirmation information. For at least the reasons discussed above, Applicants respectfully request that the rejection of claims 15 and 22 be withdrawn.

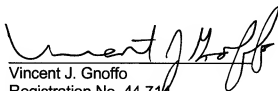
F. Claims 66-68

Further to the above, claims 66-68 depend from claim 12, and since no new reference is being used with this rejection, these claims should be allowed at least for the reasons discussed above. Therefore, Applicants respectfully request that the rejection of claims 66-68 be withdrawn. Moreover, the Office Action has provided no reference to show these features, such as in the context of the claims, and therefore the features are clearly missing from the prior art with regard to the claims. For this additional reason, the rejections should be withdrawn and the claims allowed.

Conclusion

For the reasons provided above, Appellant submits that claims 12-15, 17-22, 24, 25, 38-43, 59-63 and 66-77 are allowable over the cited art. Appellant respectfully submits that the outstanding rejections of the claims as unpatentable is in error and should be reversed.

Respectfully submitted,



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VIII. Claims Appendix

1-11 (cancelled)

12. A method, comprising:

accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses;

making a request for a reservation of the good or the service responsive to the step of accessing the reservation information;

receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to the step of making the request; and

receiving electronic navigation information from a reservation communication device over a communication link responsive to the step of receiving the confirmation information, wherein the electronic navigation information comprises directions to assist the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer, wherein the customer geographic location is automatically determined for the customer by a location-determining device in response to receipt of the confirmation information.

13. A method according to claim 12 further comprising the steps of transmitting a payment to one of the reservation communication device and a business communication device for the good or the service associated with the reservation responsive to the step of making the request for the reservation; and

receiving receipt information representing that the payment has been received by the one of the reservation communication device and the business communication device responsive to the step of transmitting the payment.

14. A method according to claim 12 further comprising the step of:

transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information.

15. A method according to claim 12 wherein the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer.

16 (cancelled)

17. A method according to claim 12:

wherein the steps of accessing the reservation information, making the request and receiving the confirmation information are performed by a fixed customer communication device, and

wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device.

18. A method according to claim 12 further comprising the step of:

communicating the confirmation information to the one of the plurality of businesses located at the business geographic location responsive to the customer arriving at the business geographic location.

19. A method according to claim 18 wherein the confirmation information is communicated to a business communication device, associated with the one of the plurality of businesses, at the business geographic location over a radio frequency communication link responsive to the customer communication device being proximate to the business communication device.

20. A method, comprising:

accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses;

making a request for a reservation of the good or the service responsive to the step of accessing the reservation information;

receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to the step of making the request;

transmitting a request for electronic navigation information responsive to the step of receiving the confirmation information, wherein the electronic navigation information comprises directions to assist the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer, wherein the customer geographic location is automatically determined for the customer by a location-determining device in response to receipt of the confirmation information;

receiving the electronic navigation information from a reservation communication device over a communication link responsive to the step of transmitting the request for the electronic navigation information;

communicating the confirmation information to the one of the plurality of businesses located at the business geographic location of the good or the service reserved by the customer responsive to the customer arriving at the business geographic location.

21. A method according to claim 20 further comprising the steps of:

transmitting a payment to one of the reservation communication device and a business communication device for the good or the service associated with the reservation responsive to the step of making the request for the reservation; and

receiving receipt information representing that the payment has been received by the one of the reservation communication device and the business communication device responsive to the step of transmitting the payment.

22. A method according to claim 20 wherein the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer.

23 (cancelled)

24. A method according to claim 20:

wherein the steps of accessing the reservation information, making the request and receiving the confirmation information are performed by a fixed customer communication device, and

wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device.

25. A method according to claim 20 wherein the confirmation information is communicated to a business communication device, associated with the one of the plurality of businesses, at the business geographic location over a radio frequency communication link responsive to the customer communication device, associated with the customer, being proximate to the business communication device.

26-37 (cancelled)

38. A customer communication device, comprising:

- a first communication interface adapted to communicate customer information, including reservation information and electronic navigation information, between the customer communication device and a reservation communication device, wherein the reservation information represents a good or a service that may be reserved by customers from one of a plurality of businesses, and wherein the electronic navigation information comprises directions to assist the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer, wherein the customer geographic location is automatically determined for the customer by a location-determining device in response to receipt of the confirmation information;

- a memory unit coupled to the first communication interface and adapted to store the customer information received via the first communication interface; and

- a controller coupled to the first communication interface and the memory unit and adapted to perform the steps of:

- accessing the reservation information via the first communication interface;

- making a request for a reservation of the good or the service via the first communication interface responsive to the step of accessing the reservation information;

receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, via the first communication interface responsive to the step of negotiating; and

receiving electronic navigation information from the reservation communication device over a communication channel via the first communication interface responsive to the step of receiving the confirmation information.

39. A customer communication device according to claim 38 further comprising:
a second communication interface coupled to the controller and the memory unit and adapted to transmit the confirmation information from the customer communication device to a business communication device, associated with the one of the plurality of businesses, at the business geographic location responsive to the customer communication device being proximate to the business communication device.

40. A customer communication device according to claim 39 wherein the second communication interface further comprises:

a radio frequency communication interface adapted to transmit the confirmation information over a radio frequency communication channel responsive to the customer communication device being proximate to the business communication device.

41. A customer communication device according to claim 38 further comprising:
a location-determining device coupled to the controller and adapted to determine the customer geographic location associated with the customer communication device.

42. A customer communication device according to claim 38 wherein the first communication interface further comprises at least one of a wireline communication interface, a coaxial cable communication interface and a radio frequency communication interface.

43. A customer communication device according to claim 40 wherein the radio frequency communication interface is adapted to communicate packet data signals.

44-58 (cancelled)

59. The method of claim 12 further comprising the step of:

receiving second electronic navigation information, wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer.

60. The method of claim 12 further comprising the steps of:

prior to traveling to the business geographic location, accessing second reservation information representing a second good or service that may be reserved by customers from a second business of the plurality of businesses;

making a second request for a second reservation of the second good or service responsive to the step of accessing the second reservation information; and

receiving second confirmation information, representing that the second reservation has been made for the second good or service associated with the second business, responsive to the step of making the second request.

61. The method of claim 12, wherein the electronic navigation information comprises at least one of an e-text direction and a highlighted map travel path.

62. The method of claim 12, further comprising the step of selecting a route type from a plurality of route types associated with the electronic navigation information, wherein the plurality of route types includes at least one of the quickest route and the shortest route.

63. The method of claim 12, further comprising the step of determining the customer geographic location by at least one of global positioning system locating or 911 cellular service locating.

64-65 (cancelled)

66. The method of claim 12, wherein the reservation communication device may change its offer or counteroffer based on time of day, week, or year.

67. The method of claim 12, wherein the reservation communication device may change its offer or counteroffer based on volume of sales of the product or the service.

68. The method of claim 12, wherein the reservation communication device may change its offer or counteroffer based on a special promotion.

69. The method of claim 12, wherein the good or the service comprises a transportation event.

70. The method of claims 69, wherein the transportation event comprises at least one of an airplane, a boat, and a bus.

71. The method of claim 12, wherein the good or the service comprises an entertainment event.

72. The method of claim 71, wherein the entertainment event comprises at least one of a musical concert, a sporting event, and live theater.

73. The method of claim 12, wherein the good or the service comprises an accommodation event.

74. The method of claim 73, wherein the accommodation event comprises at least one of a restaurant and a hotel.

75. The method of claim 12, wherein the reservation communication device comprises at least one of a telephone, a radio, a pager, and a personal digital assistant.

76. The method of claim 12, wherein the reservation communication device comprises a computer.

77. The method of claim 12, wherein the reservation communication device comprises cable television.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None